

**MINUTES
CITY OF DEKALB
CITY COUNCIL REGULAR MEETING
APRIL 25, 2022**

The City Council of DeKalb, Illinois held a Regular meeting on April 25, 2022, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

Mayor Barnes called the meeting to order at 6:00 p.m.

Recording Secretary Ruth Scott called the roll, and the following members of the City Council were present: Alderman Carolyn Morris, Alderman Barb Larson, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, and Mayor Cohen Barnes. Alderman Tony Faivre was absent.

Others in attendance included City Manager Bill Nicklas and Police Chief David Byrd.

B. PLEDGE OF ALLEGIANCE

Pernevlon Ellis led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

MOTION: Alderman Smith moved to approve the agenda; seconded by Alderman McAdams.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

D. PRESENTATIONS

1. DeKalb Police Department 2021 Annual Report.

Police Chief Byrd provided an overview of the DeKalb Police Department's 2021 Annual Report. Highlights of the year included:

- Although 12 officers were hired in 2021, recruitment and retention continue to be an issue.
- Statistical data is now being reported in the National Incident Based Reporting System (NIBRS), which was a significant departure from the Illinois Uniform Crime Reporting (IUCR) system. The new system will collect uniform crime data from disparate states to provide more comprehensive and detailed crime statistics. The statistics provided in the report are a mixture of both reporting systems.
- Community engagement was emphasized with the first annual Citizen Appreciation Ceremony where members of the community were recognized for offering assistance to the Police Department.
- Proactive enforcement was down due to staffing, however, with staffing increasing, the Police Department is in the process of developing a Traffic Enforcement Team to combat the issue of speeding throughout DeKalb.
- The Bike Enforcement Team was reduced in 2021 due to staffing, however they will be more prevalent in 2022, focusing on community engagement.

- License Plate Readers were added and are already making a huge impact in helping solve cases.

In closing, Police Chief Byrd stated the entire DeKalb Police Department is honored to serve the City of DeKalb and are committed to keeping the community safe.

Mayor Barnes stated he liked the report as it helps provide a better understanding of what each of the divisions within the DeKalb Police Department does.

Alderman Morris asked where DeKalb falls in the broader context of national crime increases. Police Chief Byrd replied that although DeKalb is experiencing small pockets of crime, in relation to larger cities such as Chicago, DeKalb isn't at the top, nor is it at the bottom.

Alderman Perkins stated the data is suggesting things are getting better, which is inconsistent with what the perception is. Police Chief Byrd replied that sometimes impactful situations make it seem like crime isn't decreasing. However, with more staffing and more patrolling of the streets, opportunities aren't there for violent crime, and clear and present dangers are being removed at a quick pace.

With the sale of Hunter Hillcrest, Lincoln Tower and other properties, as well as the addition of license plate readers, Mayor Barnes stated he's looking forward to the 2022 report, which will indicate the impact those efforts had on crime.

E. PUBLIC PARTICIPATION

Mr. Gregory Evans advised Council of a complaint he had regarding a recent interaction with a local business, indicating the overall business practice and ethics of the business were lacking. Each Council member was provided with a copy of the complaint.

F. APPOINTMENTS

Mayor Barnes read the following by title only:

1. Appointment of Finance Director Carrie Dittman to the Police Pension Board for a Two-Year Term Beginning June 1, 2022, and Ending May 31, 2024.

MOTION: Alderman McAdams moved to approve the appointment; seconded by Alderman Morris.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

G. APPROVAL OF THE MINUTES

1. Minutes Submitted by the City Clerk

There were none.

2. Minutes Submitted by the Recording Secretary

Mayor Barnes read the following by title only:

- a. Minutes of the Regular City Council Meeting of April 11, 2022.

MOTION: Alderman Perkins moved to approve the minutes as submitted by the Recording Secretary; seconded by Alderman Verbic.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

H. CONSENT AGENDA

Mayor Barnes read the following Consent Agenda items by title only:

1. Accounts Payable and Payroll through April 25, 2022, in the Amount of \$2,531,834.42.
2. Investment and Bank Balance Summary through February 2022.
3. Year-to-Date Revenues and Expenditures through February 2022.
4. Freedom of Information Act (FOIA) Report – March 2022.

MOTION: Alderman Larson moved to approve the Consent Agenda; seconded by Alderman McAdams.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

I. PUBLIC HEARINGS

There were none.

J. CONSIDERATIONS

There were none.

K. RESOLUTIONS

- 1. Resolution 2022-037 Authorizing an Amended Highway Authority Agreement as Prescribed by the Illinois Environmental Protection Agency with DeKalb Forge Company Regarding Previous Ground Contamination at 1832 Pleasant Street.**

Mayor Barnes read the resolution by title only.

MOTION: Alderman Smith moved to approve the resolution; seconded by Alderman Larson.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The DeKalb Forge Company site had an underground fuel oil tank near the intersection of E. State Street and Dietz Avenue that developed a slow leak. Further, routine filling with pressurized hoses dripped oil into the grassy ditch whenever the hose was uncoupled, which led to an identifiable contamination within the City's right-of-way that penetrated the subsoil area beneath the City's paved street. With the sources of the contamination now removed, the IEPA has determined that any remaining contamination within the right-of-way poses no further threat if left undisturbed, with the pavement section and underlying roadbed providing an impervious barrier if left intact.

If approved, the resolution and agreement submitted for this item will be submitted to the Illinois Environmental Protection Agency (IEPA) in support of DeKalb Forge Company's pursuit of a No

Further Remediation determination. It establishes the City's right to future compensation should significant excavation ever be necessary in the City's E. State Street right-of-way near the impacted site.

Alderman Larson asked what would happen if DeKalb Forge went out of business. City Manager Nicklas replied that the agreement would be assigned to the successor.

Referencing maps provided in the backup material for this item, Alderman Larson asked if entering into this agreement with DeKalb Forge would affect surrounding businesses. City Manager Nicklas replied that the contamination has been located. While there could be more, it's not something we're currently aware of.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

2. Resolution 2022-038 Authorizing the Award of a Construction Services Contract to Elliott & Wood, Inc. in the Amount of \$1,763,000 for the Lincoln Highway Lane Reconfiguration.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Perkins moved to approve the resolution; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This project has been discussed and reviewed since 2019. After several iterations, a public bid process was authorized in late March of this year. At the bid opening on April 20, the lowest responsible bidder was Elliott & Wood with a bid price of \$1,763,000. The construction contract will be paid from the TIF#3 fund.

Alderman Smith asked how this project would work with the planned Illinois Department of Transportation (IDOT) resurfacing of a portion of Illinois Route 38 (Lincoln Highway). City Manager Nicklas replied there will be collaboration between the two projects.

VOTE: Motion carried by a 6-0-1-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic. Nay: None. Abstain: Barnes. Absent: Faivre. Mayor Barnes declared the motion passed.

3. Resolution 2022-039 Authorizing a Permit Application to the Illinois Department of Transportation (IDOT) for the Lincoln Highway Lane Configuration.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Larson moved to approve the resolution; seconded by Alderman Smith.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. Concurrent with Council's award of contracts and engineering services to implement the Lincoln Highway Lane Reconfiguration project, the City is required to approve a resolution formalizing the permit application to IDOT, as well as committing to the completion of the project according to the IDOT approved plans and specifications.

There was no discussion among Council.

VOTE: Motion carried by a 6-0-1-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic. Nay: None. Abstain: Barnes. Absent: Faivre. Mayor Barnes declared the motion passed.

4. Resolution 2022-040 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for the Lincoln Highway Lane Reconfiguration in an Amount Not to Exceed \$124,925.

Mayor Barnes read the resolution by title only.

MOTION: Alderman McAdams moved to approve the resolution; seconded by Alderman Verbic.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This project will require almost daily adjustments to the rhythms of downtown commerce and business operations. A key focus will be the minimizing of business disruption and customer inconvenience, while maintaining a steady pace of work to meet construction timelines and to remain within budget. The Fehr-Graham resident engineers have a strong track record in these areas. With Council approval of the award of a construction contract with Elliott & Wood (Resolution 2022-038), it is recommended that the award of the construction engineering contract go to Fehr-Graham. Fehr-Graham has proposed a contract in the amount of \$124,925 to cover daily construction engineering and administrative services. This cost would be paid from the TIF#3 fund.

There was no discussion among Council.

VOTE: Motion carried by a 6-0-1-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic. Nay: None. Abstain: Barnes. Absent: Faivre. Mayor Barnes declared the motion passed.

5. Resolution 2022-041 Authorizing the Appropriation of Local Funds and a Joint Funding Agreement with the Illinois Department of Transportation for the Replacement of the Bridges at N. First Street and Lucinda Avenue for an Estimated \$1,180,250.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Morris moved to approve the resolution; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item authorizes a joint funding agreement with IDOT and commits the required local share of funds to the proposed double bridge replacement project scheduled for actual construction beginning in the Spring of 2023 and ending in the Fall of 2023. In order to formalize the forthcoming contractual arrangement, IDOT requires not only an authorized joint funding agreement from the local municipality, but an underlying resolution appropriating the local share of anticipated project costs in the amount of \$1,180,250.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

6. Resolution 2022-042 Authorizing the Award of a Contract to Northern Illinois Service Company for the Demolition and Restoration of 1011-1027 W. Hillcrest Drive in the Amount of \$237,883.

Mayor Barnes read the resolution by title only.

MOTION:

Prior to his overview, City Manager Nicklas thanked Andy Raih, Assistant Director of Public Works for Streets, Facilities and Airport, for his assistance throughout this process.

City Manager Nicklas then provided an overview of this item based on the information provided in the agenda packet. It was Council's intent in the Fall of 2021 to obtain the former Hunter Hillcrest property, relocate all tenants fairly and safely, and raze the structure as a step toward the solicitation of proposals for the redevelopment of the property, which stretches in an L-shaped direction eastward on Hillcrest Drive then northward on Blackhawk Road. In anticipation of the demolition of the property, Mr. Raih conducted an environmental review of the property and arranged for the removal of any contaminants by a qualified environmental firm. The department also released a solicitation of demolition bids on March 22, 2022, for the razing of the building as well as the parking lot.

The request for bids resulted in five submissions by the bid deadline of April 11. Following the closing of the public bidding process, Public Works conducted reference checks and has identified Northern Illinois Service Company as the most responsible bidder at \$237,883.

Alderman Morris asked if the tenants were able to remove everything they wanted, specifically the large freezers in one of the businesses. City Manager Nicklas replied that the tenants determined what they wanted to keep and everything that had value has been removed.

City Manager Nicklas mentioned that a press conference will be held at the location on May 9, 2022, with demolition of the building and parking lot to begin on May 10, 2022.

Mayor Barnes expressed his excitement that the project is getting underway.

City Manager Nicklas thanked City Attorney Matt Rose for his assistance throughout the process.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

L. ORDINANCES – SECOND READING

1. Ordinance 2022-017 Amending Chapter 7 “Water Service”, Section 7.18 “Water Rates”, and Section 7.18-6 “Water Service Fee”.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Perkins moved to approve the ordinance on second reading; seconded by Alderman Larson.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. At the April 11, 2022, Council meeting, Council considered a proposal to raise the City's billed user rate for water service. On first reading, the Council approved a 3.5% water rate increase as recommended by the City Manager. Because of the potential impact on all City businesses and residences, the Council agreed to postpone consideration of this matter on second reading until April 25, to allow for more public review and discussion. An increase of 3.5% (1/2 the CPI) would result in the monthly water cost increasing from \$38.33 to \$39.67 per 6,000 gallons used, or an increase of \$1.34 per month.

VOTE: Motion carried by a 6-1-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, Verbic, Barnes. Nay: McAdams. Absent: Faivre. Mayor Barnes declared the motion passed.

M. ORDINANCES – FIRST READING

1. Ordinance 2022-018 Authorizing a Zoning Map Amendment from the “LI” Light Industrial District to the “LC” Light Commercial District for 315 N. Sixth Street (Elion Business Center LLC).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Smith moved to approve first reading of the ordinance; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of the item based on the information provided in the agenda packet. The City received a petition from Elion Business Center LLC, represented by Kendra Elion, to rezone a portion of 315 N. Sixth Street from the “LI” Light Industrial District to the “LC” Light Commercial District in order to establish a day care center and associated uses at the location. The applicant currently operates a day care center along DeKalb Avenue in Sycamore called Mother’s Little Helper Learning Center. The new day care center will be called Mother’s Little Helper 2 and will accommodate approximately 197 children. The current building is 24,050 square feet in area with about half the space proposed for the day care use. The applicant would also like to lease some of the remaining space for professional suites including a variety of small businesses such as offices and service uses, provided they would be permitted in the “LC” District.

The owner of business, Kendra Elion, stated that childcare is a great issue within the community. She wants to provide childcare for families in DeKalb that they can be comfortable with.

Alderman Morris asked Ms. Elion how much the project will cost, how many children she’s serving now, and how many she intends to serve at the new location. Ms. Elion replied that based on the square footage of the building, she would be able to serve 197 children ranging from the age of six weeks to 12-13 years, which will include before and after school programs, meals, and transportation. The project cost will be approximately \$130,000 overall. She currently serves 35 children at the Sycamore location.

Alderman Morris asked about funding and when the business will be opening. Ms. Elion replied that she hopes to open the DeKalb location in June of this year and indicated she’s had an outpouring of support from families that will help fund the project.

Alderman Morris stated this is a great project and a huge need within the community.

Alderman McAdams thanked Ms. Elion for seeing the need and addressing it, and for investing in the community.

Mayor Barnes encouraged Ms. Elion to reach out to him, Council members, or City Manager Nicklas if help is needed to make the transition smooth.

Ms. Elion thanked Council for their support, and she looks forward to being in the downtown area.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to waive second reading and approve the ordinance; seconded by Alderman Morris.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

2. Ordinance 2022-019 Amending Chapter 33 “Peddlers, Solicitors and Itinerant Merchants”, Section 33.13 “Food or Beverage Vending Vehicles”.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Morris moved to approve first reading of the ordinance; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item was first discussed by Council under considerations at the April 11, 2022, Council meeting. The reason for the review was that laddered fees and detailed regulations and licensure preconditions appeared to be discouraging applications, even though food trucks have become a common sight at many public and private events around the City and throughout the County during warmer months. If approved, this amendment would establish the following:

- the applicant would be required to produce a DeKalb County food license;
- fees would be limited to one non-refundable payment of \$75.00 at the time of application;
- the need for a background investigation prior to licensing would be removed;
- food and beverage trucks would be prohibited from using annoying strobe lighting to solicit retail sales or advertise the presence of the vending vehicle while in operation in the City;
- music, noise, or sound amplification would have to comply with all applicable local, state, and federal regulations, must be at a volume that does not create a nuisance, and must be at a volume that will not be heard more than 300 feet from the food or beverage vending vehicle;
- the operator of any food or beverage vending vehicle would have to report and pay sales taxes, with such sales taxes being reported as originating within the City, where required under applicable Illinois law, as well as remit any required Restaurant and Bar taxes required under City Code; and
- food trucks would not be able to park within City rights of way where they might pose a distraction to motorists and undue risks for customers milling around the unit.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to waive second reading and approve the ordinance; seconded by Alderman Morris.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

3. Ordinance 2022-020 Amending Chapter 51 “Traffic”, Section 51.19 “Penalties”, and Schedule C “Parking Prohibited”, as it Pertains to Parking on Lincoln Highway Between First Street and Fourth Street to Limit Certain Segments to One Hour.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Smith moved to approve first reading of the ordinance; seconded by Alderman Verbic.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The item was requested by the Downtown Merchants group, with the intent encourage the turnover of parking on Lincoln Highway from First Street to Fourth Street. With limited on-street parking spaces on the Lincoln Highway corridor between First and Fourth Streets, the existing spaces are prized by shoppers as well as an increasing number of persons employed at the newer shops and businesses in the downtown. The rising number of retail businesses that rely on frequent customer visits are particularly concerned with the current three-hour limit on parking at these on-street spaces. The Downtown Merchants report that their studies show that some cars are not moved at all during an eight-hour work shift. If approved, the amendment would change “three hours” to “one hour” in those code sections that refer to the parking “eyebrows” in the core of the downtown commercial area, from 6:00 a.m. to 6:00 p.m. This change does not include parking on Second or Third Streets, either north or south of Lincoln Highway, and should not inconvenience evening diners. In order to ease business owners and their employees into this new approach, Section 51.19 “Penalties” would also be revised to specifically reduce the “windshield” ticket to \$5.00 for a failure to move one’s vehicle after an hour’s parking on the “main drag.”

Alderman Larson stated that if the City is trying to encourage people to come downtown, this is not the way to do it. An hour or even two hours of parking isn’t long. Perhaps the solution is to start enforcing the three-hour parking rule and stop employees of downtown business from parking in the prime spots.

Alderman Verbic asked if pay stations had been considered and perhaps the City could pilot that approach.

Brief discussion ensued about how pay stations work.

City Manager Nicklas stated enforcement is the key. Nothing will change without enforcement.

City Manager Nicklas then suggested that this item be put on hold under after the Lincoln Highway Reconfiguration project was complete.

Alderman Perkins agreed with the suggestion and stated he’d like to see more data on the pay station idea and its revenue potential.

Alderman McAdams stated there was strong support for it in the business community and strong opposition to it within the community, so perhaps postponing the item is the right thing to do.

Alderman Smith also agreed with postponing the item, adding that pay stations work well, are simple to use and could be managed by a third party.

City Manager Nicklas stated that warning tickets could be hung now if there are serious issues. He added that this item will be brought back before Council sometime this Fall.

Mayor Barnes suggested that downtown merchants could create a flyer to be distributed in the downtown area of the parking regulations, with City Manager Nicklas adding that the merchants have already been doing that.

MOTION: Alderman Smith moved to table this item; seconded by Alderman McAdams.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed.

N. REPORTS AND COMMUNICATIONS

1. Council Member Reports.

Alderman Morris reported that she attended NIU's 2022 IFC Tugs competition over the weekend and it was a blast.

Alderman McAdams provided a reminder of the Airport Advisory Board meeting on April 26, 2022, where they'll be continuing the discussion of the future of the DeKalb Taylor Municipal Airport.

Alderman Larson thanked Police Chief Byrd for the report on the Police Department, as did Alderman Perkins.

Alderman Verbic reported on the most recent Sixth Ward meeting and thanked those who were involved, including City Engineer Zac Gill. He also thanked City Manager Nicklas and Mayor Barnes for attending.

2. City Manager Report.

City Manager Nicklas thanked Police Chief Byrd for his work and leadership over the last year. He is well liked and supported by his colleagues.

Mayor Barnes added that he's heard the same thing throughout the community.

O. EXECUTIVE SESSION

There was none.

P. Adjournment

MOTION: Alderman Morris moved to adjourn the meeting; seconded by Alderman McAdams.

VOTE: Motion carried by a 7-0-1 voice vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Barnes. Nay: None. Absent: Faivre. Mayor Barnes declared the motion passed and adjourned the meeting at 7:18 p.m.

Respectfully submitted,

Ruth A. Scott, Recording Secretary

Minutes approved by City Council on May 9, 2022.

Click [here](#) to view the agenda packet for the April 25, 2022, Regular City Council meeting.

Click [here](#) to view the video recording of the April 25, 2022, Regular City Council meeting.